

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 16, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Cioni, Van Deursen, Higgins, Woykowski, Turner, Oakley - Present
Housel - Absent

Also Present: John Corica, Borough Manager
Steve Farsiou, Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

COUNCIL APPEARANCE

Andrew Holt – Municipal Engineer

Mr. Holt stated that as the new municipal engineer the firm spent the year learning about the Borough and doing a lot of fact finding this year. He stated he has office hours on a regular basis which enables him to have interaction with the staff and attend weekly meetings with the Borough Manager. He stated he worked with the Borough Clerk to re-structure the fees and the ordinances regarding street opening permits. He stated he also attended the redevelopment meetings.

The Public Works facility was a high priority this year. There have been a few weather related delays. The contractor is still on schedule for spring completion. The Municipal Parking lot project was also a high priority. He has been working with the Borough and the DEP on the environmental liabilities. He has been working with the Business Improvement District to facilitate its construction. The demolition of Modern Valet is scheduled to begin after JCP&L removes some wires going into the building. The Stormwater Management Plan and annual report for the Borough is in full compliance and the tax maps have been updated some for the newer developments.

Mr. Holt stated that he also spent the year learning the Borough's sewer system. He is recommending that next year the Borough install flow metering throughout system. The manhole inserts will be installed shortly.

Mr. Holt stated that overall he hopes that he hopes Suburban Engineering met the expectations of the Borough or exceeded them.

Mayor Van Deursen stated that Mr. Holt is one of the most competent and thorough professionals that Borough has and she has thoroughly enjoyed working with him. Councilman Turner stated he is impressed by the way you handled deficiencies.

Kurt Klausfelder – Borough of Washington Fire Chief

Mr. Klausfelder stated that currently the Fire Department is staffed by 47 active members and 6 junior members. One of the junior members has turned 18 and attended the Warren County Fire Academy this year, where he received the most improved firefighter award at graduation.

He explained that this year the Fire Department has trained in live burn structural firefighting evolutions, fire attack, hose line advancement, fire extinguishers, flashover training, live burn vehicle firefighting evolutions, forcible entry, ventilation, as well as many other training exercises. Most of the training took place either in house with acquired instructors or at the Warren County Fire Academy. He stated that in the department, they are fortunate enough to have five New Jersey State Certified Fire Service Instructors. Also, this year the department received training from Lt. Bill Butler from Truck 56 FDNY. The amount of time the department spent training this year was 164 hours.

Mr. Klausfelder stated that the fire department received the Assistance to Firefighters Grant awarded through FEMA in the amount of \$375,000. In years past the fire department has been successful in getting funds through this grant on two other occasions. The odds of being awarded a grant are a long shot at best.

Our members have been successful three times. This is money that the fire department has raised on its own and has not had to request from the taxpayers. Mr. Klausfelder explained that over the past three years in his budget request he has listed the replacement of the 1975 ladder truck and the approximate replacement cost to be about \$1,000,000. In March of this year, Council voted to move forward with the truck project. At that time we also informed Council that we were trying to obtain some financial assistance through a FEMA grant. A truck committee was appointed to gather the required information to outline the specifications of the truck needed to best serve the community. The 1975 Mack Aerial scope has served the Borough well but so much has changed in our community since then. Many of our current apartment buildings and garden apartments did not exist at that time, they present reach problems due to landscape and or parking issues. We also did not have the Toll Brothers or Midtown projects which also present reach problems. Over the years we have had to make a risk vs. benefit decisions at structure fires regarding the placement of the truck.

It is the Fire Departments hope that the bid for the new ladder truck will be awarded before the end of this year. This would greatly help with u s being able to meet deadlines for the truck delivery date, instituted by the grant.

Mr. Klausfelder reported that the fire department has responded to 184 calls this year. By filing reports with the Division of Fire Safety we are able to track the number of calls, types of calls, hours on scene and response time. The average amount of time spent on scene is about an hour, and has a typical manpower response of 10. We are down 10 calls from this time last year. Overall average response time is still approximately 8 minutes 24 seconds. Most career departments are between 4 to 5 minutes response time. Considering we have to drop what we are going and respond. On several occasions this year the fire department has also responded to assist the rescue squad as well as the police department. We have a great relationship with both agencies and are glad to assist them anytime our services and tools are needed.

Mr. Klausfelder stated he would like to thank the Mayor, the Manager and the members of this Council for all the support, help, and guidance they have provided over t5he past three years. I have one year left to serve as chief and I plan to continue to make our fire department better trained, better equipped, and better prepared to serve the future needs of our community and residents.

Kay Stasyshan – Tax Collector

Ms. Stasyshan stated this was a busy year for collection services in the tax office. The office continues to learn and work with the new finance system. This year the Borough sent out an estimated third quarter tax bill which was confusing to some taxpayers. The tax sale consisted of 81 properties this year mainly due to the economy. There were three properties struck off to municipality. The tax collection rate is 95.5%.

Sharon Cooper Brown and Brown

Ms. Cooper stated that several months ago she appeared before Council informing them that the three year term with Statewide was up and the end of 2008. She suggested at that time that the Borough look into receiving proposals from Statewide and Public Alliance. Councilwoman Woykowski asked if it will be another three year obligation. Ms. Cooper stated yes both companies are three year obligations. Councilman Higgins noted that there is a meeting on December 29 and Council can consider the recommendation at that time. Manager Corica stated the advantage to Statewide is that the Borough has been with them for a very long time. The advantage to PAICE is that they insure 381 municipalities. The premiums are comparable. PAICE is more financially stable. Councilman Higgins inquired what the commission for MS. Cooper is under Statewide compared to PAICE. Councilman Higgins requested the commission information be forwarded to Council.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of November 17, 2008 and the regular meeting of December 2, 2008.

Hearing no comments it was moved by Higgins, seconded by Turner that the minutes be approved.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Oakley, Turner.

Ayes: 6, Nays: 0
Motion Carried.

COMMUNICATIONS:

The following communications were entered into the record:

1. Resolution Supporting Assembly Bill No. A4021 Revising Laws Concerning Provisional Drivers Licenses.
2. New Jersey Libertarian Party Re: Use of Electronic Email

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Caroline Comby Administrator of Statewide Insurance Fund

Ms. Comby stated that the Borough of Washington has been a member of the Statewide Insurance fund since its inception in 1988. She stated in terms of coverage; law enforcement is separate and defense costs are outside the limit however with PAICE it is inside the limits. She explained that a sample policy and procedures manual was done and sent out over a year ago. Statewide also developed a website to keep track of all training. Manager Corica inquired about dividends and the closing out of fund years. He also noted that the premium payment structure in Statewide is difficult for municipalities due to the fact the entire premium is due in the beginning of the year. Municipalities are only working off of a temporary budget at that time. Ms. Comby stated she will bring Mr. Corica's concerns back to the executive committee.

Hearing no further comments from the audience a motion was made by Oakley, seconded by Cioni to close the audience portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

None

REPORTS:

It was moved by Cioni, seconded by Higgins, to receive and file the following reports.

1. Municipal Court
2. Fire Prevention
3. 2008 Board of Adjustment Cases
4. Engineers Report

Roll Call:

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - No Report

Curfew Committee: No Report

Concession Stand Committee – No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – Councilman Cioni stated that Suburban Engineering has been calling the DEP on a daily basis inquiring about the status of the remediation plan sent to them.

Borough Manager Search Committee - The Borough Manager Search Committee began phone interviews and so far four candidates will move forward to interviewing with the entire Council. The ad went live in the ICMA on December 15, 2008. Councilman Turner requested permission to remain a member of the search committee until a manager is found.

A motion to permit Councilman Turner to continue to participate on the committee was made by Higgins, seconded by Woykowski.

Ayes: 6, Nays: 0
Motion Carried

Security Camera – Councilman Cioni stated that we know what cameras we need and the BID will potentially purchase two more cameras. The hardware costs for the two cameras are \$15,500. The cameras are completely networked throughout the entire Borough.

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Oakley, seconded by Turner to pay the vouchers and claims in the amount of \$791, 822.98.

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

NEW BUSINESS

Request from Mayor Elect McDonald

Mayor Elect McDonald requested a special meeting for a swearing in ceremony for himself, Councilman Elect Valentine, and Councilman Elect Boyle. The ceremony will be Friday January 2, 2009.

Motion made by Higgins, seconded by Van Deursen for a special meeting on January 2, 2009 to be advertised.

Ayes: 6, Nays: 0
Motion Carried

Resolution 241-2008 Redemption of Tax Sale Certificate

Resolution 241-2008 was moved by Turner, seconded by Oakley and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Turner, Higgins, Oakley

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 241-2008

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 1, 2004 to Laura Keefe, 397 Tunnel Road, Asbury, NJ 08802, in the amount of \$1,514.93 for taxes or other municipal liens assessed for the year 2003 in the name of Orlofski, Keith (now Laselle Bank Nat Assoc, As Trustee-foreclosed on Orlofski), as supposed owners, and in said assessment and sale were described as 229 Belvidere Avenue, Block 18.01 Lot 2, which sale was evidenced by Certificate #388-04; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-05-08 and before the right to redeem was cut off, as provided by law, Ocwen Loan Servicing, LLC claiming to have an interest in said lands, did redeem said lands claimed by Laura Keefe, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$7,435.16, which is the amount necessary to redeem Tax Sale Certificate #388-04.

NOW THEREFORE BE IT RESOLVED, on this 16th day of December 2008 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to

Laura Keefe, in **the amount of \$8,935.16** (this amount consists of \$7,435.16 Certificate Amount + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 18.01 Lot 2 from the tax office records.

Resolution 242-2008 Authorizing Signing of Highlands Grant

Resolution 242-2008 was moved by Turner, seconded by Oakley and adopted.

Roll Call: Van Deursen, Woykowski, Cioni, Turner, Higgins, Oakley

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 242 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ

WHEREAS, the Borough submitted a Planning and Assistance Grant Application to the New Jersey Highlands Council to perform a TDR Feasibility Study; and

WHEREAS, the Highlands Council has awarded a grant in the amount of \$25,000 with an additional \$10,000 which may be awarded subject to approval of the Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Mayor and Clerk are hereby authorized to sign the grant agreement and any additional documentation associated with the grant award.

Resolution 243-2008 Redemption of Tax Sale Certificate

Resolution 243-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Turner, Higgins, Oakley

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 243-2008

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 27, 2006 to Royal Tax Lien Services LLC, 179 Washington Lane, Jenkintown, NJ 19046, in the amount of \$4,890.28 for taxes or other municipal liens assessed for the year 2005 in the name of 3rd Line Properties, LLC, as supposed owners, and in said assessment and sale were described as 81 Railroad Avenue, Block 79 Lot 25, which sale was evidenced by Certificate #421-06; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-09-08 and before the right to redeem was cut off, as provided by law, 3rd Line Properties, LLC claiming to have an interest in said lands, did redeem said lands claimed by Royal Tax Lien Services LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$22,990.10, which is the amount necessary to redeem Tax Sale Certificate #388-04.

NOW THEREFORE BE IT RESOLVED, on this 16th day of December 2008 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Royal Tax Lien Services LLC, in **the amount of \$26,490.10** (this amount consists of \$22,990.10 Certificate Amount + \$3,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 79 Lot 25 from the tax office records.

Resolution 244-2008 Cancel Balance of Ordinance 10-2004

Resolution 244-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Turner, Higgins, Oakley

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 244 -2008 **OF THE MAYOR AND COUNCIL OF THE BOROUGH OF** **WASHINGTON, WARREN COUNTY, NJ TO CANCEL** **SEWER CAPITAL ORDINANCE BALANCE**

WHEREAS, Ordinance # 10-2004 was adopted on 6 July 2004 appropriating \$40,000 to install “a force main and pumping station in and along Pershing Avenue”; and

WHEREAS, the improvements described in the ordinance have been completed and no further funding is needed; and

WHEREAS, there is a funded balance of \$9,0240.79.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the balance of \$9,0240.79

remaining in Ordinance # 10-2004 is hereby cancelled, and the funds be returned to the sewer fund balance.

Resolution 245-2008 Authorization of Access Agreement with EPA

Resolution 245-2008 was moved on a motion made by Cioni, seconded by Higgins and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Higgins, Turner, Oakley

Ayes: 6, Nays: 0

RESOLUTION 245-2008
OF THE MAYOR AND COUNCIL AUTHORIZING THE EXECUTION
OF AN ACCESS AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

WHEREAS, the Borough of Washington (“Borough”) is the owner of property identified as Park Avenue, south of Route 57 and adjacent to Route 31 as well as public ball fields located south of Youmans Avenue and adjacent to Route 31; and

WHEREAS, the United States Environmental Protection Agency (“EPA”) is conducting an investigation of the Pohatcong Valley Superfund site, Warren County, New Jersey, pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response Compensation and Liability Act of 1980; and

WHEREAS, as part of its investigation of the Pohatcong Valley Superfund site, EPA needs access to Borough of Washington property at the locations identified above in order to conduct its investigation including, but not limited to, installation of groundwater monitoring wells, engineering and geophysical studies, collection of soil and groundwater samples, installation of groundwater extraction wells, installation of a groundwater treatment system and installation of reinjection wells, all related to the conduct of field work and remedial investigation activities for the Pohatcong Valley superfund site; and

WHEREAS, the Borough and EPA desire to enter into an agreement regarding consent for the EPA’s access to Borough property;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

The CONSENT FOR ACCESS TO PROPERTY, in the form attached hereto, is hereby approved and the Mayor, Clerk and any other necessary municipal official are hereby authorized to execute the Agreement on behalf of the Borough of Washington.

Resolution 246-2008 Right of Way Access Agreement Pechiney Plastics Packaging

Resolution 246-2008 was moved by Oakley, seconded by Turner and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Oakley, Turner, Higgins

Ayes: 6, Nays: 0
Motion Carried

Resolution 247-2008 Appointment to Recreation Committee

Resolution 247-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Roll Call: Woykowski, Cioni, Van Deursen, Oakley, Turner, Higgins.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION 247-2008
RECREATION COMMITTEE

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint members of the Recreation Committee with the advice and consent of the Council and;

WHEREAS, the Mayor has designated the following person his re- appointment to the Recreation Committee:

Paula Aron Term Expires 1/1/2010

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointments shall take effect immediately.

RESOLUTION 247-2008
RECREATION COMMITTEE

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint members of the Recreation Committee with the advice and consent of the Council and;

WHEREAS, the Mayor has designated the following person his re- appointment to the Recreation Committee:

Paula Aron Term Expires 1/1/2010

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointments shall take effect immediately.

Resolution 248-2008 Appointment to the Shade Tree Commission

Resolution 248-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

Roll Call: Turner, Oakley, Higgins, Van Deursen, Woykowski, Cioni

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 248-2008

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, the Borough of Washington, Warren County, New Jersey under this plan is directed and authorized to appoint a **Shade Tree Commission** in accordance with N.J.S.A. 40:64-2 et. seq.

BE IT RESOLVED, that the following named person is hereby appointed by the Mayor to serve as a member of the Shade Tree Commission for a term to expire 1/1/2012.

Kenneth Clark
Name

Resolution 249-2008 Appointment to Shade Tree Commission

Resolution 249-2008 was moved by Cioni, seconded Turner and adopted.

Roll Call: Cioni, Turner, Higgins, Oakley, Woykowski, Van Deursen.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 249-2008

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan "E" of Municipal Charter Law; and

WHEREAS, the Borough of Washington, Warren County, New Jersey under this plan is directed and authorized to appoint a **Shade Tree Commission** in accordance with N.J.S.A. 40:64-2 et. seq.

BE IT RESOLVED, that the following named person is hereby appointed by the Mayor to serve as a member of the Shade Tree Commission for a term to expire 1/1/2010.

Lauren Ferguson
Name

Port Colden Mall

Attorney Cushing stated he will prepare a Resolution memorializing Council's decision for the December 29, 2008 Special Council Meeting to terminate sewer service to the Port Colden Mall by March 29, 2009 if the conditions are not met.

COUNCIL REMARKS

Councilman Cioni – Stated he is still waiting for the Zoning Officer's comments regarding the stacking ordinance and abandoned property ordinance.

Councilman Higgins – State Guy Burd is retiring at the end of the year. A proclamation should be prepared. It can be presented in February when he returns from vacation.

Recap

Manager Corica requested Council consider vacating the easement at Lenape Trail at Apt. 67/69. There seems to be no purpose for the Borough to own the property as it used to be a fire easement. Council concurred to vacate in 2009.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:00 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk